

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CATHERINE PALMER, individually and
on behalf of all others similarly situated;

Plaintiff,

vs.

KCI USA, INC.,

Defendant.

4:19CV3084

THIRD AMENDED
CASE PROGRESSION ORDER

This matter is before the Court on the Joint Stipulation for the Reinstatement of Remaining Case Progression Deadlines ([Filing No. 76](#)). After review of the parties' joint stipulation, the Court finds good cause to reinstate the case progression deadlines. Accordingly,

IT IS ORDERED that the Joint Stipulation for the Reinstatement of Remaining Case Progression Deadlines ([Filing No. 76](#)) is granted, and the second amended case progression order is amended as follows:

- 1) Motion to Certify a Class Action.
 - a. Any motion to certify this case as a class action shall be filed by **May 10, 2021**, in the absence of which any claim in the pleadings that this is a class action shall be deemed abandoned, and the case shall proceed, for purposes of Fed. R. Civ. P. 23, as if a motion for class certification had been filed and denied by the Court.
 - b. Defendant shall file their response to Plaintiff's class certification motion by **June 9, 2021**.
 - c. Plaintiff shall file her reply in support of motion for class certification by **June 23, 2021**.
- 2) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **July 2, 2021**.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is **September 13, 2021**.
- 4) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 5) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 16th day of April, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge